

**ORIGINAL**

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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

2 -----X  
3 BENJAMIN CRUZ,

3

PLAINTIFF,

4

-against-

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Case No:  
16-CV-603( FB) ( ST)

6 CITY OF NEW YORK, POLICE OFFICER SCOT PEDRICK  
7 (Shield 697), POLICE OFFICER JOSEPH BURNSIDE  
8 (Shield 28832), POLICE OFFICER DANIEL PAGAN  
9 (Shield 15375), POLICE OFFICER JACKSON FUNARO  
10 (Shield 1672), POLICE OFFICER ALEXANDER LOPEZ  
11 (Shield 20467),

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DEFENDANTS.

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DATE: February 13, 2017

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TIME: 10:35 A.M.

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DEPOSITION of the Plaintiff, BENJAMIN CRUZ,

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taken by the Defendants, pursuant to a Notice and to the

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Federal Rules of Civil Procedure, held at the offices of

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the New York City Law Department, 100 Church Street, New

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York, New York 10007, before Joanne Capparelli, a Notary

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Public of the State of New York.

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B. CRUZ

1 Q. Is that the first time she said something like  
2 that to you?

3 A. Yes.

4 Q. Does she still live at 150 Linden Street?

5 A. I don't know. I left and I don't know anything.

6 Q. When was the last time you spoke to her?

7 A. I left about six months ago. I don't know  
8 anything.

9 Q. You said earlier that the reason you broke up is  
10 because of what happened that night in 2015?

11 A. Yes. Because I was tired and I wanted to leave  
12 and I left.

13 Q. You said it was her fault what happened to you  
14 that night?

15 A. Yes.

16 Q. Why was it her fault?

17 A. Because if she hadn't called the police and had  
18 the argument none of that would have happened and if she  
19 wouldn't have taken out the knife and called the police  
20 none of this would have happened.

21 Q. Before she took out the knife she never yelled at  
22 you?

23 A. No.

24 Q. Was she intoxicated that night?

25 A. That I know of, no.